

## A Revised Preface to Auschwitz: A Judge Looks at the Evidence

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1984

Although I may not agree with every observation made in *Der Auschwitz Mythos*, I must nevertheless state that it is a profound book, particularly in its analysis of the Frankfurt Trial (1963-1965), in which the author reveals to us the phenomenon, still so obscure and disquieting, of the human "will to believe."

The Frankfurt Trial involved officers and guards of the Auschwitz camp. If we are to believe the official thesis underlying the charges against the defendants, the camp of Auschwitz I had a crematory (Krema-I) with a homicidal gas chamber which was supposed to have functioned from fall, 1941 to the end of 1942. The camp of Auschwitz-Birkenau was supposed to have had four crematories (Krema-II and -III and Krema-IV and -V) with their own homicidal gas chambers, which were alleged to have functioned from approximately the spring or summer of 1943 until the fall of 1944, that is, from 17 to 19 months, depending on the crematory involved.

Today, Krema-I is presented to tourists as being "partially" reconstructed, but it is in fact nothing more than a gross deception perpetrated by the Polish Communist authorities. The four crematories of Birkenau are in ruins, which Holocaust scholars, exercising great circumspection and self-restraint, have not yet begun to study. I myself have studied all five crematories, from every possible on-site perspective and from the many existing German plans for their construction, which I discovered in 1976. My conclusion is that none of the crematories in Auschwitz-I or Birkenau contained homicidal gas chambers. In reality Krema-I had, until June 1943, a morgue ("Leichenhalle"), which at that time was transformed into a bomb shelter protecting several rooms housing an SS aid station, including one room where surgery was performed ("Luftschutzbunker mit einem Operationsraum für SS-Revier"). Krema-II and -III had "Leichenkeller" (underground morgues). Krema-IV and -V had several small rooms, two of which contained ordinary coal-fed stoves, and appear to be entirely inappropriate, if not ludicrous, for the purpose of mass homicidal gassings.

At the Frankfurt Trial the existence of the alleged gas chambers should have been the center piece of the proceedings. The Court should have required exhibits of all the plans, drawings, photographs and documents, which were in fact available to it in great numbers, if only the German investigators, judges and attorneys had tried to find them at the beginning of the 60's before the Frankfurt trial, as I did myself in 1976, successfully. The prosecution and defense teams should both have demanded this information. Nothing of the sort happened. The alleged weapon of the alleged crime was not studied in that court; it was not even presented. During the trial the Court and several of the attorneys did carry out on-site judicial investigations at Auschwitz, but it appears that those investigations were never directed toward the gas chambers themselves.

It is possible that the participants in the Frankfurt Trial believed that *any* room could be used for homicidal gassings. That is a mistake. For example, the agent of death supposedly used at Auschwitz and Birkenau in the alleged gas chambers was hydrocyanic acid (in its form as a commercial pesticide called Zyklon-B), the same agent used in certain American prisons to carry out executions. I studied the American gas chambers and discovered that the execution of a single prisoner by that process was extremely complicated, necessitating a substantial amount of equipment and technical expertise. The German court ignored all of that, and did not consider asking for an expert report demonstrating that one or another room at Auschwitz could have been used as a homicidal gas chamber.

In order to discover which of the accused camp personnel had participated in the alleged gassings, the Court chose to determine only if the accused had been stationed on the loading dock where the deportees disembarked from the trains. Here we arrive at a method of reasoning by successive suppositions and postulation that can be described as completely abstract, even mad. The Court stated that if the accused had simply been stationed on the loading dock he was guilty of participating in the crime of a "selection." The "selection" *supposedly* consisted in dividing the deportees who were going to live from those who were *supposedly* going to be "gassed." Some of those who supposedly were going to be "gassed" were sent along a road leading between Krema-II and -III, while the remainder were sent along a road leading between Krema-IV and -V; the Court did not care to note that these two roads led past the crematories and joined again behind them, at the entrances to the central bath house, where in fact the deportees were showered and disinfected. As the Court had *postulated* that the crematories contained gas chambers, it now *postulated* that those deportees who *supposedly* had been "selected" for "gassings" did not follow the two roads between the crematories to the bath house, but were instead herded into the *alleged* gas chambers inside the crematories.

Therefore, following a sequence of assumptions and totally unsupported "reasoning," the Court postulated that those Germans stationed on the loading dock at Auschwitz when deportees left the trains were guilty of complicity in homicidal gassings.

I do not believe we should accuse the German judiciary here of partiality, cowardice or incompetence. Theoretically and abstractly, the reasoning of the Court may be viewed as irreproachable. But, if one considers topography and the reality of material things to be of some consequence in proving a crime which by definition is concrete and material, the Court's reasoning was absurd. I would prefer in this instance to say that the German judges, as well as the attorneys and the many other persons involved with this trial, were the victims of

blindness and naiveté, psychological and intellectual attributes which oftentimes are observed in certain religious contexts.

So here we had judges who each day after the trial would return to their comfortable houses, where they would sleep with tranquil consciences. Here were men who would have been terribly surprised to be told that earlier that day they had behaved precisely as had their predecessors during the witchcraft trials of the sixteenth, the seventeenth and even the eighteenth century. At that time men and women were accused of having met Satan, for example, on the top of a hill, in the middle of fire and smoke, amid cries and shouts and specific odors. If at his trial for witchcraft the accused had replied; "But I did not see Satan, because Satan does not exist," he would have broken taboo and thereby assured his own death. In fact, he could try to save his life by saying that he had indeed seen, as some witnesses testified, at a distance, at the top of the hill, the fire and smoke of Satan, had heard the cries of his victims and had noticed strange and terrible smells, but that he himself was at the foot of the hill and had nothing to do with any of that.

The same for the Frankfurt trial. The accused would not challenge what the witnesses said about fire, smoke, cries and smells at the top of the Birkenau camp, where the four crematories with their alleged gas chambers were located. The defendants, according to their confessions, were in the middle of the camp, stationed at the loading dock, where they met crowds of people who then went 300 to 500 meters farther, where Hitler's henchmen are supposed to have been carrying out their murderous duty; the accused at Frankfurt argued that they bore no direct responsibility for these horrors.

This line of defense was comfortable for everyone: the accusers, the witnesses, the journalists from around the world, the judges, the German government and, last but not least, the accused themselves and their attorneys, who otherwise would have refused to defend them. No "conspiracy" here but a general agreement between "reasonable" people. In past centuries it was "reasonable" to believe in the existence of those Satanic horrors, as in our century it is reasonable to believe in such Hitlerian horrors as the magical gas chambers. The only trouble is that there is no factual proof for any of the above, which have been, let us say in passing, shaped by the same mold.

This characteristic ensemble of fire, smoke, cries, shouts and specific odors constitutes a kind of cliché arising, not from the individual imagination, but from ancestral traditions and fears. An additional characteristic of false testimony is this: when the alleged witness has *not seen clearly* what he claims to have seen, when he has *not touched* what he says he saw, there develops a kind of sensory compensation in which *hearing, taste and smell* rush to the aid of clear sight and actual touching. One has not touched, one has not really seen, but one is supposed to have, by way of compensation, heard, smelled and tasted. Furthermore, if he has not really seen, it is for an excellent reason: his eyes have been dazzled by the flames and obscured by smoke. Add to this the circumstance that, so overwhelmed by the horrors of Auschwitz and Birkenau, in the end the witness could not really see them at all.

In French we have a saying: "*Plus cela change et plus c'est la même chose*" (The more things change, the more they are the same). Why should atavistic fears and superstitions disappear? Only their outward form is changing. The twentieth century has had plenty of "witchcraft" trials, in the "Free" as well as Communist world. The Frankfurt trial was, if you will, a kind of perfect witchcraft trial, with no expert report on the gas chambers and with a system whereby  $1/4$  of a proof +  $1/2$  of a proof = 1 proof. The trial itself, staged in a theater, was conducted like a religious ritual. The participants came together and took communion in their sacred horror. It is symptomatic that, in the courtroom, the very location of the horror was represented symbolically, almost abstractly, by the plans of Auschwitz and Birkenau, on which one could barely make out the location of the weapon of the crime *par excellence*: those horrific slaughterhouses for men, women and children. Hard to believe as it may be, no drawing, no technical sketch, no photos of the gas chambers were displayed in the big courtroom (a theater, in fact), only a plan on which the crematories (not even the gas chambers) were represented by tiny black rectangles. No one tried to inquire any further about these ridiculous specks. That was taboo. Anyone who had dared to look at the matter more closely would have made himself an utter heretic, a minion of Satan, a "Nazi."

This took place in Frankfurt (1963-1965), in the middle of the twentieth century, in a country professedly endowed with a democratic constitution, with an independent judiciary, with a free press, and, finally, in a country teeming with so many minds noted for their love of learning and detail. Moreover, German historians have derived most of their information from that kind of trial; from this comes the rather vague, intangible and magical nature of their statements about the gas chambers and the genocide. The accused and their lawyers, in their own way, all contributed to the religious character of that lengthy trial, either because they believed in the existence of the magical gas chambers, or because they preferred, out of prudence, not to cause a great scandal by asking to look at matters in more detail. All parties adhered to the ritual to the bitter end.

The same ritual was followed in a series of identical "war crimes" for the next twenty years, until the Barbie trial in France. -That trial was even more hysterical, because the fears of the devout inquisitors who defend the Holocaust cult had grown. They were frightened by the prospect that the discoveries made by the Revisionists about the "Big Lie" might be exploited by Jacques Vergès, Barbie's defense lawyer. I can reveal here that Vergès was tempted to take a Revisionist stand on behalf of his client and to ask a quite normal question, which would have gone as follows:

My client is accused of having sent Jews, not to simple concentration camps, where they could have survived, but to what you call "extermination camps," where at least most of them would be put to death in human slaughterhouses called "gas chambers." Bring us the proofs that such camps and such slaughterhouses existed, and the proofs that every Jew you claim has been murdered has *in fact* been murdered.

Very courageous, but no hero, Vergès drew back. No one has the right to criticise him. On the night that Barbie was sentenced in Lyon, the crowd went mad after Vergès left the courtroom; without strong police protection, he would have been lynched. I don't doubt that, had he taken a Revisionist stand, Vergès would have been killed no matter what the protective measures.

In this light Ernst Zündel and his lawyer Douglas Christie appear all the more heroic. During the extraordinary Toronto trials of 1985 and 1988, they dared to break the taboo and ask normal questions of prosecution witnesses and experts; they introduced plans, photos, and documents which demonstrated the absurdity of the stories of genocide and gas chambers; and they produced an expert report about the alleged gas chambers of Auschwitz, Birkenau and Majdanek: the now famous *Leuchter Report*.

In 1988, the Toronto judge, Ronald Thomas (this name should be forever remembered) found but one way to protect the taboo: he instructed the jury that in spite of what Leuchter and the experts and witnesses on behalf of Ernst Zündel had said, the jurors were to remember that *he*, Ronald Thomas, had taken judicial notice of the existence of what the accused said had not happened. No "responsible" man could doubt the Jewish Holocaust, just the way the Jews say it happened. The only possibility for acquitting Zündel left to the jury would have been to consider that the defendant was so stupid that he could not even fathom what every "reasonable" man (like Ronald Thomas) could see, understand and believe. The jury convicted Zündel, and the Canadian Court of Appeals in February 1990 upheld Ronald Thomas's decision. The names of the "reasonable" men of that Canadian court follow: Brooke, Morden and Callighan.

Anyone who attended the two Toronto trials could see why at the second trial, in 1988, the media almost totally blacked out what happened there: as Zündel had predicted, it was the Stalingrad of the Big Lie. The tide has turned and now, everywhere in the world, what the Revisionists disclosed in those Canadian courtrooms is slowly but surely being divulged to the public at large.

Wilhelm Stäglich, himself a judge, was heroic to publish his book on Auschwitz as early as 1979. But there recurred yet another phenomenon which we believed had ended in the eighteenth century; The University of Göttingen, through a long judicial procedure, succeeded in obtaining court decisions which "withdrew" the doctorate in law which this famous German university had conferred upon Stäglich in 1951. I do not wish to enumerate here everything which this extremely honest man, whom I admire, suffered in addition to that. Suffice it to say that Wilhelm Stäglich, I should say Dr. Wilhelm Stäglich, German judge and historian, has saved the honor of the judges and historians of Germany. He has lost everything, but not his honor.

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This text was written for a republication of the German edition of Dr. Stäglich's book, *Der Auschwitz Mythos*, by Historical Review Press, in the UK, in 1984. It was published in German. In 1990, a somewhat modified version of this text was printed in the *The Journal of Historical Review*, vol. 10, no. 2, pp. 187-194. This is the text reproduced here.

The French original version was published later in the *Ecrits révisionnistes*, vol. II, 1999, p. 531-536.

First displayed on aaargh: 17 April 2001.

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